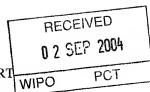


## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference <b>5532.P006PCT</b>		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/US01/24933</b>	International filing date (day/month/year) <b>08 August 2001 (08.08.2001)</b>	Priority date (day/month/year) <b>08 August 2000 (08.08.2000)</b>	
International Patent Classification (IPC) or national classification and IPC <b>IPC(7): H04H 1/00, 7/00; H04Q 7/20; H04M 3/00 and US Cl.: 455/3.01, 3.03, 3.06, 418, 419, 445, 414.1, 414.3, 41.2; 379/102.01, 102.02, 102.03</b>			
Applicant <b>SIMPLE DEVICES, INC.</b>			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>   </u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand <b>05 March 2002 (05.03.2002)</b>		Date of completion of this report <b>19 August 2004 (19.08.2004)</b>	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No.		Authorized officer <i>William Trost</i> Telephone No. (703)306-0377	

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/24933

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed.
- ☒ the description:  
pages 1-47 \_\_\_\_\_ as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
pages 48-52 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
pages 1-42 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
pages NONE \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig. NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US01/24933**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)

Claims 7-8,17-18,34 YESClaims 1-6,9-16,19-33,35-36 NO

Inventive Step (IS)

Claims NONE YESClaims 1-36 NO

Industrial Applicability (IA)

Claims 1-36 YESClaims NONE NO**2. CITATIONS AND EXPLANATIONS**

Please See Continuation Sheet

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

1. Claims 1-6, 9-16, and 19 lack novelty under PCT Article 33(2) as being anticipated by Kikinis (6,055,566).

Regarding claim 1, Kikinis discloses a method comprising:

- a) automatically obtaining and transferring digital data based on user specified preferences from a wide area network to a computer (abstract, fig. 1, col. 2 lines 12-40, col. 7 lines 18-26); and
- b) automatically sending the digital data from the computer to a client device using a wireless data transceiver (abstract, fig. 1, col. 2 line 12 thru col. 3 line 6, and col. 5 lines 22-65).

Regarding claim 2, Kikinis further discloses the method of claim 1 further comprising manipulating the digital data on the client device from the computer (#123 fig. 1, col. 2 line 12 thru col. 4 line 31).

Regarding claim 3, Kikinis further discloses the method of claim 2 wherein manipulating the digital data on the client device from the computer includes sending signals to the computer via a remote controller (fig. 1, col. 2 line 12 thru col. 4 line 31, and col. 5 lines 22-65).

Regarding claim 4, Kikinis further discloses the method of claim 1 further comprising manipulating the digital data on the client device from a website (internet) (col. 5 lines 22-65).

Regarding claim 5, Kikinis further discloses the method of claim 1 further comprising manipulating the digital data on the client device from a portable electronic device (wireless device) (col. 5 lines 22-65).

Regarding claim 6, Kikinis further discloses the method of claim 1 further comprising retaining user specified preferences in a database on the computer (col. 3 line 57 thru col. 4 line 22).

Regarding claim 9, Kikinis discloses a machine-readable storage medium (server with memory) tangibly embodying a sequence of instructions executable by the machine to perform a method (abstract, col. 6 lines 5-16), the method comprising:

- a) automatically obtaining and transferring digital data based on user specified preferences from a wide area network to a computer (abstract, fig. 1, col. 2 lines 12-40, and col. 7 lines 18-26); and
- b) automatically sending the digital data from the computer to a client device using a wireless data transceiver (abstract, fig. 1, col. 2 line 12 thru col. 3 line 16, and col. 5 lines 22-65).

Regarding claim 10, Kikinis discloses a method comprising:

- a) automatically obtaining and transferring digital data based on user specified preferences from a wide area network to a computer (abstract, fig. 1, col. 2 lines 12-40, and col. 7 lines 18-26); and
- b) automatically sending the digital data from the computer to a television using a wireless data transceiver (abstract, fig. 1, col. 2 line 12 thru col. 3 line 16, and col. 5 lines 22-65).

Regarding claim 11, Kikinis further discloses the method of claim 10 further comprising converting the digital

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

data to a format capable of being displayed on the television (TV) (col. 2 line 12 thru col. 3 line 43, and col. 6 line 66 thru col. 7 line 17).

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 19, Kikinis discloses a machine-readable storage medium (server with memory) tangibly embodying a sequence of instructions executable by the machine to perform a method (abstract, col. 6 lines 5-16), the method comprising:

a) automatically obtaining and transferring digital data based on user specified preferences from a wide area network to a computer (abstract, fig. 1, col. 2 lines 12-40, and col. 7 lines 18-26); and

b) automatically sending the digital data from the computer to a television using a wireless data transceiver (abstract, fig. 1, col. 2 line 12 thru col. 3 line 16, and col. 5 lines 22-65).

II. Claims 20-33, and 35-36 lack novelty under PCT Article 33(2) as being anticipated by Macrae et al. (6,052,145).

Regarding claim 20, Macrae et al. discloses a method comprising:

a) automatically obtaining and transferring digital data based on user specified preferences from a wide area network to a computer (abstract, fig. 1, col. 4 lines 10-38);

b) turning on a television at a specified time based on the preferences (fig. 1, col. 4 line 10 thru col. 5 line 34).

c) automatically sending the digital data to the television using a wireless data transceiver (abstract, fig. 1, col. 4 line 10 thru col. 6 line 62).

Regarding claim 21, Macrae et al. further discloses the method of claim 20 further comprising shutting the television off (switch off) for a predetermined period of time in response to a remote controller sending a signal to the computer (col. 4 line 66 thru col. 5 line 34).

Regarding claim 22, Macrae et al. further discloses the method of claim 21 wherein shutting the television off includes stopping the sending of digital data to the television (col. 4 line 66 thru col. 5 line 34).

Regarding claim 23, Macrae et al. further discloses the method of claim 20 further comprising converting the digital data to a format capable of being displayed on the television (abstract).

Regarding claim 24, Macrae et al. further discloses the method of claim 20 further comprising manipulating the digital data on the television (abstract, fig. 13, 19-20, col. 2 lines 7-46).

Regarding claim 25, Macrae et al. further discloses the method of claim 20 further comprising storing user specified preferences in a database on the computer (abstract, fig. 3, col. 2 lines 7-46).

Regarding claim 26, Macrae et al. discloses a method comprising:

a) automatically obtaining and transferring digital data based on user specified preferences from a wide area network to a computer (abstract, fig. 1, col. 4 lines 10-38);

b) turning on an audio playback device at a specified time based on the preferences (fig. 1, col. 4 line 10 thru col. 5 line 34); and

c) automatically sending the digital data to the audio playback device using a wireless data transceiver (abstract, fig. 1, col. 4 line 10 thru col. 6 line 62).

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 21.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 22.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 23.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 24.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 25.

Regarding claim 32, Macrae et al. discloses a method comprising:

a) determining a plurality of preferences based on primary digital data sent to a television (abstract, fig. 1);  
b) automatically searching for related ancillary digital data on a wide area network based on the preferences (abstract, fig. 1, col. 4 lines 10-38);

c) receiving the related ancillary digital data to a computer (abstract, fig. 1, col. 4 lines 10-63); and

d) automatically sending the related ancillary digital data to a client device using a wireless data transceiver (abstract, fig. 1, col. 4 line 10 thru col. 6 line 62).

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 25.

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Regarding claim 35, this claim is rejected for the same reason as set forth in claim 24.

Regarding claim 36, Macrae et al. further discloses the method of claim 32 further comprising obtaining new ancillary digital content in response to changing the primary content on the television (when the channel is changed on TV, which means the system has to obtain the new ancillary digital content in response to changing the primary content on the television) (fig. 24-28, col. 4 line 65 thru col. 5 line 34, and col. 17 line 21 thru col. 18 line 55).

III. Claims 7 and 17 lack an inventive step under PCT Article 33(3) as being obvious over Kikinis (6,055,566) in view of Evans et al. (WO 99/05613).

Regarding claim 7, Kikinis further discloses the method of claim 1 of web access. However, Kikinis does not specifically disclose tagging digital content to aggregate a record of that content on a tag aggregation webpage.

Evan et al. teaches tagging digital content to aggregate a record of that content on a tag aggregation webpage (abstract, page 1 line 18 thru page 2 line 20). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Kikinis system with the teaching of Evan et al. of tagging digital content to aggregate a record on webpage in order to transmit the webpage back in HTML format to the client device when client device interacts with webpage.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 7.

IV. Claims 8 and 18 lack an inventive step under PCT Article 33(3) as being obvious over Kikinis (6,055,566) in view of Macrae et al. (6,052,145).

Regarding claim 8, Kikinis further discloses the method of claim 1 further comprising the client device. However, Kikinis does not specifically disclose identifying the client device by a specified serial number.

Macrae et al. teaches identifying the client device by a specified serial number (col. 5 lines 35-61, and col. 19 lines 9-34). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Kikinis system with the teaching of Macrae et al. of identifying the client device by a specified serial number in order to transfer the data to the correct subscriber and to bill the customer for the service.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 8.

V. Claim 34 lacks an inventive step under PCT Article 33(3) as being obvious over Macrae et al. (6,052,145) in view of Evans et al. (WO 99/05613).

Regarding claim 34, Macrae et al. further discloses the method of claim 32 further comprising tagging the ancillary digital content to aggregate a record of that content (col. 12 lines 45-52). However, Macrae et al. does not specifically disclose tagging digital content to aggregate a record of that content on a tag aggregation webpage.

Evan et al. teaches tagging digital content to aggregate a record of that content on a tag aggregation webpage (abstract, page 1 line 18 thru page 2 line 20). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Macrae et al. system with the teaching of Evan et al. of tagging digital content to aggregate a record on webpage in order to transmit the webpage back in HTML format to the client device when the client device interacts with webpage.

## NEW CITATIONS

US 6,052,145 A (MACRAE et al) 18 April 2000, see column 4-6; Fig. 1.  
WO 99/05613 A1 EVANS et al) 04 February 1999, see page 1-2; Fig. 1.